

and 1 bag containing 15 24-tablet btl., of *Tetracydin*, at Alexandria, Va., in possession of Mount Vernon Service Pharmacy, Inc.

SHIPPED: Between 1-2-58 and 9-4-58, from Brooklyn and Pearl River, N.Y.

RESULTS OF INVESTIGATION: The bottles containing the articles were physician's sample bottles, some of which bore the physician's sample statement, some of which had such statement removed, and some of which were unlabeled.

LIBELED: 10-15-58, E. Dist. Va.

CHARGE: *Cosa-Terramycin capsules*. 502(a)—while held for sale, the label statement "Professional Sample" appearing on the labeled bottles was false and misleading as applied to the article which was not intended for use as physician's samples, but for repackaging and distribution in an uncertified condition and with incomplete labeling; 502(b) (1)—the article, contained in an unlabeled bottle, failed to bear a label containing the name and address of the manufacturer, packer, or distributor; 502(b) (2)—the article, contained in the unlabeled bottle and in the labeled bottles, failed to bear an accurate statement of the quantity of contents.

Terramycin. 502(b) (1)—while held for sale, the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; 502(b) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents; 502(e) (2)—the article failed to bear the common or usual name of each active ingredient; 502(f) (1)—the labeling of the article failed to bear adequate directions for use; and 503(b) (4)—the article was a drug subject to 503(b) (1), and its label failed to bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription."

Urobiotic capsules Cosa-Terramycin. 502(b) (2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of contents; and 502(e) (2)—the label of the article failed to bear the common or usual name of each active ingredient.

Cosa-Tetracyn, Cosa-Signemycin, Signemycin, Tetrabon V, and Cosa-Tetracyn. 502(a)—the label statement "Professional Sample" appearing on the labels of the articles, while held for sale, was false and misleading as applied to the articles which were not intended for use as physician's samples, but for repackaging and distribution in an uncertified condition and with incomplete labeling.

Glucosamine parenteral tetracycline, Sigmamycin V, Cosa-Signemycin, Cosa-Tetrastatin, Tetracyn V, Achromycin V, Cosa-Tetracyn, Signemycin, Tetracydin and Tetrabon V. 502(1)—while held for sale, the articles contained tetracycline and were not from a batch with respect to which a certificate or release had been issued.

DISPOSITION: 2-25-59. Default—destruction.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

5746. Abundavita vitamin tablets, Abundavita mineral tablets, Abundavita protein tablets, and Abundalax tablets. (F.D.C. No. 42151. S. Nos. 16-169/72 P.)

INFORMATION FILED: 8-18-58, E. Dist. Ky., against J. Vincent Reed, D.C., Newport, Ky.

*See also Nos. 5744, 5745.

ALLEGED VIOLATIONS: On or about 2-6-58, the defendant caused an article of drug consisting of 2 bottles of *Abundavita mineral tablets*, 1 bottle of *Abundavita vitamin tablets*, 1 bottle of *Abundavita protein tablets*, and 1 bottle of *Abundalax tablets* to be sold and delivered to an individual at Newport, Ky., without labeling bearing adequate directions in the use of the article for the purposes and conditions for which the article was intended, which act resulted in the article being misbranded while held for sale after shipment in interstate commerce.

LABEL IN PART: (Btl.) "Abundavita Food Supplement Vitamin Tablets [or "Mineral Tablets" or "Isolated Vegetable Protein Number One Tablets"]" and "Abundalax A Vegetable Laxative."

CHARGE: 502(f)(1)—the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended, namely, for the treatment of cancer, multiple sclerosis, arthritic deformans, cirrhosis of the liver, diabetes, female trouble, and irritation in the pancreas; and for curing all diseases, reducing weight, increasing vitality, and improving health, which were the purposes and conditions for which the article was represented orally by the defendant.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court and jury on 9-24-58. On this same date, after the Government's witnesses had concluded their testimony, the defendant made a motion of acquittal which was sustained by the court.

5747. Super Protein Formula "90" tablets and Formula "90" Supplement capsules.
(F.D.C. No. 41937. S. No. 24-116 P.)

QUANTITY: 39 cases of 24 pkgs., each pkg. containing 1 180-tablet btl., and 1 15-capsule btl.; 32 cases of 12 pkgs., each pkg. containing 1 360-tablet btl., and 1 30-capsule btl.; 139 empty 30-capsule size btl.; and 33 empty 360-tablet size btl., at Phoenix, Ariz.

SHIPPED: 7-3-57, from Hollywood, Calif., by Hi-Pro Products Co.

LABEL IN PART: (Filled btl.) "MpDs * * * Super Protein Formula "90" * * * MpDs is a Balanced Protein Food Supplement"; "Formula "90" Supplement REDUCING * * * to be taken in conjunction with MpDs SUPER PROTEIN TABLETS * * * Each tablet contains: Sodium Carboxy Methyl Cellulose . . . 8 grains Phenylasitin (conc. Prune) . . . 0.5 Mg."; (empty btl.) "Formula "90" Supplement * * * an aid to reducing 30 capsules"; "MpDs * * * Super Protein Formula "90" * * * 360 tablets."

ACCOMPANYING LABELING: Pamphlets and placards entitled "Why Be Fat"; and window streamers entitled "MpDs * * * Why Be Fat? Reduce."

LIBELED: 7-24-58, Dist. Ariz.

CHARGE: 502(a)—the labeling of the articles, when shipped, contained false and misleading representations that the articles contained no calories, would burn up extra fat, increase metabolism, and otherwise act as an adequate and effective treatment for obesity; and 502(f)(2)—the Formula "90" Supplement contained an irritant laxative, and its labeling failed to warn that it should not be used when symptoms of appendicitis are present, and that frequent or continued use of such article may result in dependence on laxatives.

DISPOSITION: 9-15-58. Default—destruction.